



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,054	04/13/2001	Boris Yanovsky	004619.P001	5950

7590 07/26/2005

Michael J. Mallie
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

SONG, HOSUK

ART UNIT	PAPER NUMBER
----------	--------------

2135

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,054

Applicant(s)

YANOVSKY, BORIS

Examiner

Hosuk Song

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11, 13, 15, 18, 19, 21 and 33 is/are ~~withdrawn from consideration~~ *Canceled*.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 14, 16-17, 20, 22-32, 34-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 09/835,054
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-9,12,14,16-17,20,22-32,34-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glover(US 6,763,466) in view of Freund(US 5,987,611).

Claim 1: Glover discloses a local network(LAN) having at least one host device having software to perform anti-virus scanning in (col.5,lines 63-65 and fig.1). Glover discloses a communication module to communicate anti-virus protection information for that at least one host device to the access module in (fig.1,3A). Glover disclose an access module couple to the LAN to maintain a policy regarding anti-virus protection for the LAN and manage anti-virus protection scanning performed by the at least one host device, the access module to exchange anti-virus protection information with the one host device using the communication module of the host in (col.6,lines 3-33;col.8,lines 17-25). Glover does not specifically disclose denying at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy. Freund disclose this limitation in (col.3,lines 60-67;col.4,lines 1-15,25-28,40-46;col.6,lines 4-6;col.11,lines 1-9). It would have been obvious to person of ordinary skill in the art at the time invention was made to deny at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy as taught in Freund with anti-virus system disclosed in Glover in order to make sure that all systems anti-virus software is up to date

before accessing the Internet in order to protect system from newly developed viruses thus preventing any virus spread or infecting other system across the network.

Claim 2: Glover disclose communication module is part of the at least one host device in (fig.1,3B).

Claim 3: Glover disclose access module sends at least one command to the at least host device via the communication module in (fig.1).

Claim 4: Glover disclose command comprises a command selected from a group comprising: a command to request status of the anti-virus protection of the at least on host device, a command to have the at least one host to update the anti-virus protection, a command to uninstall the anti-virus protection, and a command to check a specific file or directory in (col.6,lines 24-40).

Claims 9,14: Neither Glover nor Freund disclose host device communicates a version number of the anti-virus protection software on the host device to the access module. Official notice is taken that communicating a version number of the anti-virus protection software on the host device to the access module is well known in the art. One of ordinary skill in the art would have been motivated to communicate anti-virus software version in order to properly update anti-virus software in the system.

Claim 16: Glover discloses host device reports a problem with a virus to the internet access module in (col.6,lines 24-40).

Claim 17: Glover discloses access module is a live firewall in (fig.1 and col.5,lines 34-35).

Claim 22: Glover discloses access module is an application server in (fig.1).

Claim 23: Glover disclose connecting a local area network to an Internet via an Internet access module and connecting a host device to the Internet via the local area network in

Art Unit: 2135

(fig.1).Glover disclose using the Internet access module to enforce a policy for anti-virus protection on the host device based on the status of anti-virus protection on the host device in (col.8,lines 7-25). Glover does not disclose denying the host device access to the Internet if the status of the anti-virus protection on the host device is not compliant with the policy. Freund disclose this limitation in (col.3,lines 60-67;col.4,lines 1-15,25-28,40-46;col.6,lines 4-6;col.11,lines 1-9). It would have been obvious to person of ordinary skill in the art at the time invention was made to deny at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy as taught in Freund with anti-virus system disclosed in Glover in order to make sure that all systems anti-virus software is up to date before accessing the Internet in order to protect system from newly developed viruses thus preventing any virus spread or infecting other system across the network.

Claim 29: Glover disclose connecting more than one host device to the local area network in (fig.1).

Claim 36: Glover discloses host device reports a problem with a virus to the internet access module in (col.6,lines 24-40).

Claim 12: Neither Glover nor Freund disclose host device communicates time stamp indicating when the anti-virus protection software was last updated on the host device to the access module. It would have been obvious to person of ordinary skill in the art to modify the invention of Ji to employ timestamp in order to prevent update repetition.

Claims 24,25,27:Ji does not specifically disclose out-of-band protocol. Official notice is taken that out-of-band protocol is well known in the art. One of ordinary skill in the art would have been motivated to employ out-of-band protocol in order to set network margins to adapt

the specific electrical and timing parameters for a particular network thus enhancing network maintenance.

Claim 26: Neither Glover nor Freund disclose host device communicates time stamp indicating when the anti-virus protection software was last updated on the host device to the access module. It would have been obvious to person of ordinary skill in the art to modify the invention of Glover to employ timestamp in order to prevent update repetition.

Claim 28: Neither Glover nor Freund specifically disclose communications using the out-of-band protocol are encrypted. Official notice is taken that this is well known in the art. One of ordinary skill in the art would have been motivated to employ encryption using the out-of-band in order to conduct secure communication thus making difficult for hackers to access the data.

Claim 30: Glover discloses Internet access module enforces and maintains the anti-virus protection policies for more than one host device in (fig.1).

Claim 31: Neither Glover nor Freund disclose anti-virus protection policies differ between host devices. It would have been to person of ordinary skill in the art to modify the invention of Ji and Freund to employ anti-virus protection policies differ between host devices in order to adapt different security needs amongst servers.

Claim 35: Neither Glover nor Freund specifically disclose host device is checked repeatedly to make sure the anti-virus protection is not disabled. It would have been obvious to person of ordinary skill in the art to modify the invention of Glover to employ repeated check scheme in order to make sure that anti-virus protection is enabled at all time thus providing secure means to defend against viruses.

Claims 5-8 : Freund disclose administrator sets a range of compliance for the anti-virus protection policy in (col.3,lines 60-67;col.5,lines 34-52). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ administrator sets a range of

compliance for the anti-virus protection policy as taught in Freund with anti-virus system disclosed in Glover in order to conduct secure communications according to set of security guidelines so that all the systems in the network conform to the specification set by the administrator thus minimizing tampering or security abuse.

Claims 15: Neither Glover or Freund specifically disclose out-of-band protocol. Official notice is taken that out-of-band protocol is well known in the art. One of ordinary skill in the art would have been motivated to employ out-of-band protocol in order to set network margins to adapt the specific electrical and timing parameters for a particular network thus enhancing network maintenance.

Claim 32: Freund disclose administrator sets a range of compliance for the anti-virus protection policy in (col.3,lines 60-67;col.5,lines 34-52). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ administrator sets a range of compliance for the anti-virus protection policy as taught in Freund with anti-virus system disclosed in Glover in order to conduct secure communications according to set of security guidelines so that all the systems in the network conform to the specification set by the administrator thus minimizing tampering or security abuse.

Claim 34: Neither Glover nor Freund does not specifically removing the range of compliance upon notice of a virus alert, denying the host device access to the web if the device does not have the most current version of anti-virus protection. It would have been obvious to person of ordinary skill in the art to modify the invention of Glover to deny the host device access to the web if the device does not have the most current version of anti-virus protection in order to protect its system from newly created viruses.

Claim 37: Glover disclose a LAN having at least one host device, the at least one host device having software to perform anti-virus scanning in (col.5,lines 63-65 and fig.1). Glover

Art Unit: 2135

disclose a communication module to communicate anti-virus protection information for the at least one host device to an access module, the anti-virus protection information including status of anti-virus protection of the host device in (col.6,lines 3-33;col.8,lines 17-25). Glover disclose access module coupled to the LAN to maintain a policy regarding anti-virus protection for the LAN and manage anti-virus protection scanning performed by the at least one host device using the communication module of the at least one host device in (col.6,lines 3-33;col.8,lines 17-25). Glover does not specifically disclose denying at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy. Freund disclose this limitation in (col.3,lines 60-67;col.4,lines 1-15,25-28,40-46;col.6,lines 4-6;col.11,lines 1-9). It would have been obvious to person of ordinary skill in the art at the time invention was made to deny at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy as taught in Freund with anti-virus system disclosed in Glover in order to make sure that all systems anti-virus software is up to date before accessing the Internet in order to protect system from newly developed viruses thus preventing any virus spread or infecting other system across the network.

Claim 38: Neither Glover nor Freund disclose anti-virus protection policies differ between host devices. It would have been to person of ordinary skill in the art to modify the invention of Glover and Freund to employ anti-virus protection policies differ between host devices in order to adapt different security needs amongst servers.

Claims 39,41: Neither Glover nor Freund disclose host device communicates a version number of the anti-virus protection software on the host device to the access module. Official notice is taken that communicating a version number of the anti-virus protection software on the host device to the access module is well known in the art. One of ordinary skill in the art would

have been motivated to to communicate anti-virus software version in order to properly update anti-virus software in the system.

Claim 40: Neither Glover nor Freund disclose host device communicates time stamp indicating when the anti-virus protection software was last updated on the host device to the access module. It would have been obvious to person of ordinary skill in the art to modify the invention of Glover to employ timestamp in order to prevent update repetition.

Claim 42: Glover discloses host device reports a problem with a virus to the internet access module in (col.6,lines 24-40).

Claim 43: Glover disclose gateway in (fig.1).

Claim 44: Glover disclose a LAN having at least one host device, the at least one host device having software to perform anti-virus scanning in (col.5,lines 63-65 and fig.1). Glover disclose a communication module to communicate anti-virus protection information for the at least one host device to an access module, the anti-virus protection information including status of anti-virus protection of the host device in (col.6,lines 3-33;col.8,lines 17-25). Glover disclose access module coupled to the LAN to maintain a policy regarding anti-virus protection for the LAN and manage anti-virus protection scanning performed by the at least one host device using the communication module of the at least one host device in (col.6,lines 3-33;col.8,lines 17-25). Glover does not specifically disclose denying at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy. Freund disclose this limitation in (col.3,lines 60-67;col.4,lines 1-15,25-28,40-46;col.6,lines 4-6;col.11,lines 1-9). It would have been obvious to person of ordinary skill in the art at the time invention was made to deny at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy as taught in Freund with anti-virus system disclosed in Glover in order to make sure that all

systems anti-virus software is up to date before accessing the Internet in order to protect system from newly developed viruses thus preventing any virus spread or infecting other system across the network.

Claim 45: Neither Glover nor Freund disclose anti-virus protection policies differ between host devices. It would have been to person of ordinary skill in the art to modify the invention of Glover and Freund to employ anti-virus protection policies differ between host devices in order to adapt different security needs amongst servers.

Claims 46,47: see claims 39-41 above.

Claim 48: Glover discloses host device reports a problem with a virus to the internet access module in (col.6,lines 24-40).

Claim 49: Glover disclose gateway in (fig.1).

Claim 50: Glover disclose an Internet access module to be coupled to connect the Internet and a LAN including host devices and Internet module to receive from the host devices their anti-virus protection status in (col.6,lines 3-33;col.8,lines 17-25 and fig.1). Glover does not specifically disclose denying at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy. Freund disclose this limitation in (col.3,lines 60-67;col.4,lines 1-15,25-28,40-46;col.6,lines 4-6;col.11,lines 1-9). It would have been obvious to person of ordinary skill in the art at the time invention was made to deny at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy as taught in Freund with anti-virus system disclosed in Glover in order to make sure that all systems anti-virus software is up to date before accessing the Internet in order to protect system from newly developed viruses thus preventing any virus spread or infecting other system across the network.

Claim 51: Glover discloses anti-virus protection policy includes a range of compliance in (col.3,lines 60-67;col.5,lines 34-52).

Claim 52: Neither Glover nor Freund disclose anti-virus protection policies differ between host devices. It would have been to person of ordinary skill in the art to modify the invention of Glover and Freund to employ anti-virus protection policies differ between host devices in order to adapt different security needs amongst servers.

Claims 53,54: see claim rejections 39-41 above.

Claim 55: Glover disclose gateway in (fig.1).

Claim 56: see claim 14 rejection above.

Claim 57: Glover disclose enforcing anti-virus protection in a module providing Internet access to a plurality of host devices belonging to a LAN by performing the following for each of the plurality of host devices repeatedly, receiving status of the anti-virus protection on the host device,determining compliance with an anti-virus protection policy based on the anti-virus protection status in (col.5,lines 63-65; col.3,lines 60-67;col.4,lines 1-15,25-28,40-46;col.6,lines 4-6;col.11,lines 1-9). Glover does not specifically disclose denying at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy. Freund disclose this limitation in (col.3,lines 60-67;col.4,lines 1-15,25-28,40-46;col.6,lines 4-6;col.11,lines 1-9). It would have been obvious to person of ordinary skill in the art at the time invention was made to deny at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy as taught in Freund with anti-virus system disclosed in Glover in order to make sure that all systems anti-virus software is up to date before accessing the Internet in order to protect system from newly developed viruses thus preventing any virus spread or infecting other system across the network.

Claims 58,59: Glover discloses anti-virus protection policy includes a range of compliance in (col.3,lines 60-67;col.5,lines 34-52).

Claims 60,61: see claim rejection 46 above.

Claim 62: Glover disclose enforcing anti-virus protection in a module providing Internet access to a plurality of host devices belonging to a LAN by performing the following for each of the plurality of host devices repeatedly, receiving status of the anti-virus protection on the host device,determining compliance with an anti-virus protection policy based on the anti-virus protection status in (col.5,lines 63-65; col.3,lines 60-67;col.4,lines 1-15,25-28,40-46;col.6,lines 4-6;col.11,lines 1-9). Glover does not specifically disclose denying at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy. Freund disclose this limitation in (col.3,lines 60-67;col.4,lines 1-15,25-28,40-46;col.6,lines 4-6;col.11,lines 1-9). It would have been obvious to person of ordinary skill in the art at the time invention was made to deny at least one host device access to the Internet if the status of the anti-virus protection of the at least one host device is not compliant with the policy as taught in Freund with anti-virus system disclosed in Glover in order to make sure that all systems anti-virus software is up to date before accessing the Internet in order to protect system from newly developed viruses thus preventing any virus spread or infecting other system across the network.

Claims 63,64: Glover discloses anti-virus protection policy includes a range of compliance in (col.3,lines 60-67;col.5,lines 34-52).

Claims 65-66: see claim rejection 46 above

Objection

2. Claim 34 is dependent on canceled claim 33. For purpose of examination Examiner assumes that claim 34 is dependent on 32. Please make appropriate

corrections.

3. Incorrect Application number on bottom right of amended claims pages 2-13(dated 5/11/05). Please make appropriate corrections.

Response to Applicant's Arguments

4. Applicant has amended claims 1,9,12,17,23,24-32 and added new claims 37-66 which necessitated new grounds of rejection. See new rejections above.

Conclusion

- 5 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

USPTO Contact Information


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri.

Art Unit: 2135

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HS



Hosuk Song
Primary Examiner
Art Unit 2135